



CITY OF MIAMI SPRINGS, FLORIDA

CITY CLERK'S SUMMARY OF COUNCIL ACTIONS

Regular Meeting of Monday, October 9, 2006 - 7:00 p.m. – Council Chambers

AGENDA ITEM NUMBER AND SUBJECT

- 1. Call to Order/Roll Call:** All present .
- 2. Invocation/Salute to the Flag:** Mayor Bain/The audience participated.
- 3. Awards & Presentations:**
- 3A) Proclamation – Florida City Government Week**

Week of October 15-21 was proclaimed to be “Florida City Government Week” by Vice Mayor Youngs on behalf of Mayor Bain.

4. Open Forum:

- | | | |
|----------------------|------------|---|
| • Hedges | Joan Paul | Majority of residents want to keep greenery as it is. Presented suggestions for amending Code §150-013 – Fences, landscaping |
| • Vote of Confidence | Nery Owens | Complimented Council on work done during the last 18 months. What they accomplished could not have been done without the contributions made by City Manager Borgmann. She hopes Council will keep this in mind when they discuss Item 11A – Vote of Confidence for the City Manager |

4. Open Forum: (Continued)

- | | | |
|---------------------|--------------|--|
| • Water Aerobics | Helen Gannon | Shared success story with Council since her daughter Debra has been able to take steps by herself due to specialized pool equipment installed and the wonderful participation and help from City Staff at the pool |
| • Excessive Noise | Vivian Pardo | Referred to the excessive noise complaints of Mr. and Mrs. Karpis of 1170 Quail. She stated that: she had not been aware of the numerous police reports and paper work compiled since 2000. Referred to copies of police incident reports, dispatched CAD entries, mails, memoranda and letters from neighbors. Tried to cooperate and took steps to reduce the sound. Stated that Ms. Karpis is stalking her home with unfamiliar devices. Asked Council to review all reports before rendering an opinion. |
| • Moratorium | Jose Duarte | Expressed disappointment in Council's recent decision to impose a moratorium. Felt that the restriction would discourage home purchases. He said that the new houses look better than the old houses they are replacing |
| • Land Use Planning | Joe Derry | Stated that Council has undertaken two major projects regarding land use regulations: the N.W. 36 th Street Corridor and the building moratorium. He was of the opinion that the City would require the assistance of specialized land use planners. He urged Council to move ahead and spend funds to acquire professional help |

5. Approval of Council Minutes:

5A) 09/20/2006 – Workshop Meeting

Approved as written.

Motion: Vice Mayor Youngs

Second: Councilman Garcia

Vote: 5-0

5B) 09/25/2006 – Regular Meeting

Approved as amended.

Motion: Vice Mayor Youngs

Second: Councilman Garcia

Vote: 5-0

5C) 10/02/2006 – Special Meeting

Approved as written.

Motion: Vice Mayor Youngs

Second: Councilman Garcia

Vote: 5-0

6. Reports from Boards & Commissions:

6A) 09/13/2006 – Golf and Country Club Advisory Board – Minutes

6B) 09/26/2006 – Ecology Board – Cancellation Notice

6C) 09/28/2006 – Code Review Board – Cancellation Notice

6D) 10/17/2006 – Education Advisory Board – Cancellation Notice

6E) 08/03/2006 – General Employees' Retirement System – Minutes

6F) 08/03/2006 – Police Officers and Firefighters' Retirement System – Minutes

6G) 09/21/2006 – Historic Preservation Board – Minutes

6H) 10/02/2006 – Zoning and Planning Board – Minutes

Agenda Items 6A through 6H were received for information without comment.

6I) 10/02/2006 – Board of Adjustment – Approval of Actions Taken at the October 2, 2006 Meeting

Council **approved** the actions of the Board of Adjustment.

Motion: Councilman Best

Second: Councilman Dotson

Vote: 5-0

7. Public Hearings:

Council sat as the Board of Appeals at 7:55 p.m.
The Mayor reconvened the City Council meeting at 8:20 p.m.

7A) PUBLIC HEARING – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150.070, CBD, Central Business District; to Provide an Additional Approved Use for the District; Repealing All Ordinances or Parts or Ordinances in Conflict; Effective Date (First Reading: 9/25/2006 – Advertised: 9/27/2006) (This item will allow a new permitted use in the CBD: Sporting Goods Store, including the sale of weapons and related products used for sporting and hunting activities)

Approved on second reading (**Ordinance No. 945-2006**)

Motion: Vice Mayor Youngs

Second: Councilman Best

Vote: 5-0

8. Consent Agenda: (simultaneously approved, except 8G)

8A) Approval of the City Attorney's Invoice for September 2006 in the Amount of \$8,833.00

Approved.

Motion: Councilman Garcia

Second: Councilman Best

Vote: 5-0

Mayor Bain called for a 5-minute recess at 8:50 p.m.

8B) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (c) of the City Code Pertaining to Sole Source Contracts, and Approve an Expenditure of \$70,202.54 to H.T.E. Sunguard for the Annual Costs of Software Maintenance and Technical Support for the City's Computer System

8C) Recommendation that Council Approve a Purchase Order for \$47,000 to Caballero & Castellanos P. L. for the Fiscal Year 2005 Audit Fee, per 3-year Agreement Signed on October 27, 2004 and Approved by Prior Council

8D) Request that Council Approve the Issuance of a Purchase Order in the Amount of \$18,000 to the Miami Springs Historical Society, Payable in Monthly Amounts of \$1,500 to Cover Rental and Utility Costs

8E) Recommendation that Council Approve an Expenditure of \$16,707.00 for a 12-month Period, to C. R. DeLongchamp for Rental of 274 Westward Drive as Community Policing Office Substation

8F) Recommendation that Council Waive the Competitive Bid Process and Approve a Purchase Order for a Maximum of \$805,000 to Humana Health for the FY2006-2007 Health Insurance Renewal

8G) Consideration of a Request by Mark Gonzalez and Jamell Perez-Gonzalez to Continue Living in their Existing House at 2 Hough Drive While Constructing a New Home on the Waiver of Plat Property Located in the Adjacent Parcel; Time of Continued Occupancy to be Determined by the City Council

A motion to permit applicants to remain in their residence, to grant them a building permit for the other property on the Waiver of Plat, subject to the applicants returning to Council within three months of issuance of the permit was **approved**.

Motion: Vice Mayor Youngs

Second: Councilman Best

Vote: 5-0

8H) Recommendation that Council Approve Piggy-backing on the County Bid List for Approved Fuel Vendors, and Authorize the City to Issue Purchase Orders in Excess of \$10,000 to Various Vendors During the Fiscal Year

8I) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (g) in the City Code, and Approve an Expenditure of, not to Exceed \$12,000.00 for Mechanical Inspector Manuel Jurado, on an "as Needed Basis"

8J) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (g) of the City Code, and Approve an Expenditure of, not to Exceed \$40,000 for AMA Consulting & Construction, Inc, Alternate Building/Roofing Inspector

8K) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (g) of the City Code, and Approve an Expenditure of, not to Exceed \$35,000 for Lonsdale Associates, the Structural Plans Examiner

8L) Recommendation that Council Approve an Expenditure per Section 31.11 (E) (5) of the City Code to Austin Tupler Trucking, Inc. for the Purchase of Ballast Rock and Other Course Aggregates, Utilizing Miami-Dade County Bid #4056-2/05-2, in an Amount not to Exceed \$12,000.00

8M) Recommendation that Council Approve an Expenditure as Provided by Section 31.11 (E) (5) of the City Code to Overland Carriers, Inc. for the Purchase of Ballast Rock and Other Course Aggregates, Utilizing Miami-Dade County Bid No. 4056-2/05-2, in an Amount not to Exceed \$12,000.00

8N) Recommendation that Council Approve an Expenditure per Section 31.11 (E) (5) of the City Code to Local Vendor Miami Tiresoles, Inc., for the Purchase of Tires, Utilizing State of Florida Bid No. 863-000-03-1, in an Amount not to Exceed \$25,000.00

8O) Recommendation that Council Approve an Expenditure per Section 31.11 (E) (5) of the City Code to Grainger Industrial Supplies for the Purchase of Various Public Works Stock and Supplies, Utilizing State Term Contract for Maintenance, Repairs, and Operating Supplies #450-000-04-1, in an Amount not to Exceed \$25,000.00

8P) Recommendation that Council Appropriate an Expenditure not to Exceed \$108,750 to Greater Miami Caterers, Inc. for the 9-month Period of an Existing Contract Previously Approved by Council on June 12, 2006 Under Bid No. 06-05/06

9. Old Business:

9A) Appointment to the Ecology Board by Mayor Bain for a Full 3-Year Term Ending on April 30, 2009 (Joe Podgor's seat)

Mayor Bain **deferred** his appointment.

9B) Appointment to the Ecology Board by Vice Mayor Youngs (Group IV) for an Unexpired Term Ending on April 30, 2007 Created by the Resignation of Donna Dawson

Vice Mayor Youngs **deferred** his appointment.

9C) Appointment to the Education Advisory Board by Vice Mayor Youngs (Group IV) to Fill an Unexpired Term Ending on May 31, 2007 (Dorrene Cook's seat)

Vice Mayor Youngs **appointed** Maria Mitchell to the Education Advisory Board.

10. New Business:

10A) Appointment of the Alternate Member of the Board of Adjustment by Councilman Dotson (Group II) for a 3-year Term Ending on October 31, 2009 (Bill Tallman's seat)

Councilman Dotson **deferred** his appointment.

10B) Appointment to the Code Enforcement Board by Councilman Best (Group I) for a Full 3-year Term Ending on September 30, 2009 (Marlene B. Jimenez' seat)

Councilman Best **deferred** his appointment.

10C) Recommendation to Approve Expenditure of \$15,840.00 for TASERCAM Audio/Video Camera Accessory for the Taser Weapon, as Provided for in Section 31.11 (E) (6) (c) of the City Code, to be Funded from the Law Enforcement Trust Fund

Approved.

Motion: Councilman Garcia

Second: Councilman Best

Vote: 5-0

10D) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the First Amendment to the FY2006-2007 General Fund and Special Revenue Fund Budgets; by Reappropriating Reserved Fund Balances to Fund Open Encumbrances as of September 30, 2006; Effective Date

Adopted Resolution No. 2006-3334.

Motion: Councilman Best

Second: Councilman Garcia

Vote: 5-0

10E) Appointment to the Board of Parks and Parkways by Councilman Best (Group I) to Fill an Unexpired Term Ending on April 30, 2009 Created by the Resignation of Tammy K. Johnston

Councilman Best **re-appointed** Tammy K. Johnston to the Board of Parks and Parkways.

10F) Report from the Assistant City Manager Regarding the Financial Results of the GMAC Swim Meet of September 29 and 30, 2006

City Manager Borgmann **reported** that GMAC paid \$1,500 and the net profit for the event was \$992.99.

11. Other Business:

11A) Consideration of a Vote of Confidence for the City Manager as Required by Section 4.02 (2) of the City Charter

Council **gave** a vote of confidence to the City Manager.

Motion: Councilman Garcia

Second: Councilman Best

Vote: 5-0

Council **granted** a 6.3% merit increase to the City Manager.

Motion: Vice Mayor Youngs

Second: Councilman Best

Vote: 5-0

12. Reports & Recommendations:

12A) City Attorney: None

12B) City Manager

- Tony Bray Extended best wishes to Tony Bray who is recovering, and to his wife Betty, who is one of the City's better employees
- Car Show Announced that a Car Show would be held at the Circle on Saturday, October 14, 2006
- Alex Bromir Stated that Sunday, November 19, 2006 at 2:00 p.m. is the date set for the street dedication for Alex Bromir
- Stadnik Pharmacy Announced that on Friday, October 13, Mayor Bain will present a proclamation at the ribbon cutting ceremony to celebrate Miami Springs Pharmacy's anniversary
- Water and Sewer Reported that a meeting is scheduled later this week with the bond specialists to review the steps required to take in regards to the existing \$9MM bond and how it can be paid off if the revenue source is lost. The bond repayment is a serious issue that could prevent the City from turning over the system to the County
- Golf Carts Reported that the new golf carts were delivered and they look great
- Basketball Registration Announced that basketball registration is taking place at the Recreation Center gymnasium
- Pumpkin Patch Announced that the annual Pumpkin Patch is open under the tent in the middle of Curtiss Parkway, sponsored by the Poinciana United Methodist Church
- Alligator Informed Council that there are reports of an alligator in the Ludlam Canal and once it is found, the City will call Pesky Critters to have it removed
- 13 S.Royal Poinciana Blvd. Stated that the building is still in the process of being condemned. The City Attorney informed Council that a hearing was held before the County Unsafe Structures Board when an extension was granted because a permit was filed. The new owner should be taking control and hopefully will complete the renovation work that was promised

12C) City Council

Vice Mayor Youngs:

- Moratorium
He appreciates the fact that Council enacted the moratorium and covenanted with each other to come to a resolution. He urged Council to study the materials before the October 23rd Regular Meeting

Councilman Best:

- Pelican Playhouse
Reported that Ralph Wakefield is directing a “Mid Summer Nights Dream” which is adapted to the current times. The show opens Friday and Saturday at 7:30 p.m. and Sunday at 2:00 p.m. for the next two weeks
- Pool equipment
Commented favorably on former Councilwoman Gannon’s presentation. He said that much of the credit should go to Joan Paul for her input to Council

Councilman Dotson:

- Hedge Ordinance
He would like to quickly resolve the hedge issue and requested that the item be scheduled on the next agenda
- Fair Havens Noise Issue
Inquired about the status of the Fair Havens noise problem. City Manager Borgmann informed Council that the Administration met with the management of Fair Havens to give them a Notice of Violation. The City received the technical bulletin from Trane showing the proper type of noise barrier that should have been built, including a wall. He said that the idea is to construct a barrier that will meet Code and fit the bulletin’s recommendation
- Parking in the Swale
He would like to reach a conclusion. Vice Mayor Youngs reported that he did not find any reference to case law other than what was presented by the City Attorney. Council agreed to place the item on the next agenda

Mayor Bain:

- **Playground Shade Covering** In response to the Mayor's question, the City Manager reported that the shade covering was installed at the playground at Prince Field
- **Park Restrooms** To answer the Mayor, the City Manager said that the contract for the parks restroom construction was signed and he is awaiting for the formal approval letters from the County
- **Fair Havens A/C** He reported that the noise from the air conditioning is worse than before. The City Manager stated that the technical advisory explains that the unit is quieter the harder it works
- **Moratorium** He urged Council to work to develop a definition for "McMansions"
- **Congratulations** Congratulated City Manager Borgmann on his vote of confidence. The Mayor said he is looking forward to working with him and his Staff for the next year

13. Adjourn

Meeting adjourned at 10:33 p.m.